

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

LEWIS DESEAN HAMILTON,	)	
	)	
Petitioner	)	
	)	
vs.	)	No. CIV-08-867-C
	)	
MARTY SIRMONS,	)	
	)	
Respondent	)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by the United States Magistrate Judge on November 26, 2008, recommending dismissal of Plaintiff's Complaint unless an amended complaint, omitting unexhausted claims, was timely filed.. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. However, on December 12, 2008, Petitioner filed an amended petition.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted, in part. Because an amended petition has been filed, the case will not be dismissed, but will instead be recommitted to the Magistrate Judge consistent with the earlier Order of Referral.

IT IS SO ORDERED this 19th day of December, 2008.

  
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ROBIN J. CAUTHRON  
United States District Judge